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**JUL 20 2004**

**OFFICE OF PETITIONS**

In re Application of  
Nikolich et al.  
Application No. 10/733,691  
Filed: December 11, 2003  
Attorney Docket No. Army176

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: DECISION ON PETITION  
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This is a decision on the "SUBMISSION OF REQUESTED POSTCARD RECEIPT AND PETITION FOR ACCEPTANCE OF CERTAIN PAGES OF APPLICATION SAID TO BE OMITTED, AND PETITION FOR RETENTION OF DECEMBER 11, 2003 FILING DATE FOR THESE PAGES," filed June 21, 2004, to accord the above-identified application a filing date of December 11, 2003, with pages 29-35 of the specification as part of the original application disclosure.

A prior petition was filed on April 19, 2004. This submission responds to the decision mailed June 1, 2004, requesting both sides of petitioner's return postcard.

Application papers in the above-identified application were filed on December 11, 2003. However, on April 5, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Corrected Application Papers." Applicants were notified that the application papers had been accorded a filing date; however, pages 29-35 of the specification appeared to have been omitted from the application.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the front and back of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the PTO on December 11, 2003, and the items filed therewith were assigned Application No. 10/733,691; 2) it specifically identifies the items being filed, including "U.S. Utility Application (58 pages, including 10 sheets of figures" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard.

Moreover, a comparison of the papers presently accorded a filing date of December 11, 2003 and pages 29-35 of the specification

submitted on petition reveals that these papers together constitute the 58 pages, including 10 sheets of figures itemized on the postcard receipt. Thus, applicants have shown that the application is entitled to a filing date of December 11, 2003, with pages 29-35 of the specification as part of the original application disclosure.

In view thereof, the petition is GRANTED.

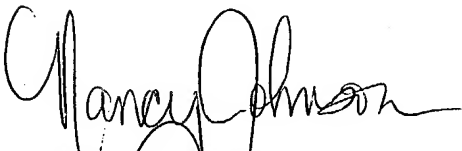
Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 21-0380.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

reprocessing with a filing date of December 11, 2003, using the application papers received in the Office on that date and pages 29-35 of the specification resubmitted on petition filed April 19, 2004.

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions